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Attorneys for Defendants
CITY OF PITTSBURG, OFFICER C. SAECHAO;
OFFICER R. SEMAS; OFFICER JUAN SIMENTAL;
OFFICER G. PALMA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRUCE C. KYLES,

Plaintiff,

v.

CITY OF PITTSBURG, PITTSBURG
POLICE DEPARTMENT, C. SAECHO
(P288) R. SEMAS, JUAN SIMENTAL
(P286), G. PALMA (P278), AARON
BAKER (CHIEF), AND DOES 1-40,

Defendants.

Case No.: 3:13-cv-04695-WHO

**DEFENDANTS' OBJECTIONS TO
PLAINTIFF'S EXHIBITS**

Assigned to: Hon. William H. Orrick

Date: December 15, 2014

Time: 2:00 p.m.

Ctrm: 12, 19th Floor

Trial: January 26, 2015

Pursuant to the Court's order (Docket No. 14, 6:10-14), Defendants hereby submit their objections to Plaintiff's Exhibit List.

PLAINTIFF'S EXHIBIT LIST

<u>Plaintiff's Exhibit</u>	<u>Defendants' Response</u>	<u>Plaintiff's Response</u>
Ex. "101" - Photographs of Plaintiff and his injuries.	No Objection	N/A
Ex. "102" - Video and audio from Simental's taser cam.	No Objection	N/A

Ex. "103" - PPD incident-related police reports.	If used to refresh recollection, no objection. Otherwise, Defendants object on hearsay grounds.	In addition to refreshing recollection, to be used for impeachment, and by expert witnesses in forming their opinions.
Ex. "104" - Selected medical records from Contra Costa Regional Medical Center	If used to refresh recollection of medical-related witnesses (or experts), no objection. Otherwise, Defendants object on hearsay grounds.	Not offered for the truth asserted in every case. Also, in addition to refreshing recollection, to be used for impeachment of defense witnesses; and, as business records where applicable.
Ex. "105" - Selected medical records from John Muir Medical Center	If used to refresh recollection of medical-related witnesses (or experts), no objection. Otherwise, Defendants object on hearsay grounds.	Not offered for the truth asserted in every case. Also, in addition to refreshing recollection, to be used for impeachment of defense witnesses; and, as business records where applicable.
Ex. "106" - Billing records from Contra Costa Regional Medical Center	Defendants object on grounds of hearsay and <i>Howell v. Hamilton Meats and Provisions, Inc.</i> (2011) 52 Cal. 4th 541 (on past medical expenses, only amount actually paid is admissible).	Not offered for the truth asserted in every case. As business records where applicable. To show, as an element of damage, the amounts paid and payable under <i>Howell</i> .
Ex. "107" - Billing records from John Muir Medical Center	Defendants object on grounds of hearsay and <i>Howell v. Hamilton Meats and Provisions, Inc.</i> (2011) 52 Cal. 4th 541 (on past medical expenses, only amount actually paid is admissible).	Not offered for the truth asserted in every case. As business records where applicable. To show, as an element of damage, the amounts paid and payable under <i>Howell</i> .
Ex. "108" - Report and CV of Barry Brodd	If used to refresh recollection of Mr. Brodd, no objection. Otherwise, Defendants object on hearsay grounds.	Agreed.

Ex. "109" - Report and CV of Richard Polsky	If used to refresh recollection of Dr. Polsky, no objection. Otherwise, Defendants object on hearsay grounds.	Agreed.
Ex. "110" - Pittsburg Lexipol Policy Manual 318 (canine)	No objection.	N/A

Dated: December 2, 2014

ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

By: /s/ Kevin P. Allen
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